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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/515,724
Filing Date: February 29, 2000
Appellant(s): GILL ET AL.

Gene S. Winter and Douglas J. Visnius
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed October 22, 2004.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

Appellant's brief includes a statement that claims 1-17 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

6327578 B1	Linehan et al.	December 4, 2001
6529885 B1	Johnson	March 4, 2003
5913203 A	Wong et al.	June 15, 1999

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linehan (U.S. PAT. 6327578 B1), Johnson (U.S. PAT. 659885 B1) and Wong et al. (U.S. PAT. 5913203A).

Re claims 1 and 9: Linehan disclose a system for purchasing goods and services over the Internet comprising:

a communications system; a customer computer linked to said communications system; an issuer computer linked to said communications system; a merchant computer linked to said communications system; a financial institution computer linked to said communications system (Linehan, Abstract, col. 4, lines 10-15, lines 65-67, col. 5, lines 50-67, i.e. "consumer's computer a start message over an internet network to a merchant's computer", "the communication among the consumer wallet,

issuer gateway and merchant can be protected via the secure socket layer protocol”, and “the issuing bank over a private network”, col. 8, lines 20-25 and Fig. 2A-6, 8, and claim 1), and a money code (claim 1, i.e. “initiation message including payment amount”),

said issuer computer for receiving said money code(claim 1, i.e. “initiation message including payment amount”) and a money amount from a customer, assigning an associated money value to said money code based on said money amount received from the customer, and transmitting said money code and associated money value to said financial institution computer over said communications system (Table 1 in col. 11, col. 13, lines 60-67 and col. 14, lines 1-15, claim 1, i.e. “issuing bank creating a reference number or value representing the consumer’s credit or debit card number”);

said financial institution computer for receiving said money code and associated money value transmitted by said issuer computer and storing said money code and associated money value(claim 1 and col. 4, lines 45-

57, i.e. "acquiring bank will settle accounts with the issuing bank over a private network", col. 6, lines 15-35 i.e. "preparing table of credit card or debit card numbers and a corresponding table of reference numbers");

said customer computer for transmitting an order and said money code to said merchant computer over said communications system(claim 1,i.e."sending from the consumer's computer consumer identity and authentication information");

said merchant computer for receiving said order and money code from said customer computer, determining a money amount due for said order, and transferring said money code and money amount due to said financial institution computer over said communications system(col. 5, lines 55-67, i.e. "the merchant's computer replies to consumer's computer", and col. 6, lines 35-40, and 45-67, i.e. "once the merchant has received the authorization token from the issuer"), and,

said financial institution computer for receiving said money code and money amount due from said merchant computer, comparing said money amount due to said associated money value, and notifying said merchant computer of fund availability(col. 6, lines 45-67, i.e. "once the merchant has received the authorization token from the issuer gateway, the merchant completes the sales transaction").

As applied to claims 1 and 9: Linehan does not explicitly disclose that software executing on various computers. However, Linehan does indicate browser in col. 1, lines 43-46 and since computers can not operate without software and it would have been obvious to one of ordinary skill in the art to employ software applications on a computer to get the benefit of the four-party communications payment system. Linehan does not explicitly disclose(s) conducting transactions anonymously or said money code containing no identification data related to a customer and being untraceable to said customer. However, in col. 23, lines 5-50 thereof, Johnson disclose(s) that the use of directory software in the manner detailed herein is advantageous, as it allows complex transactions to be

consummated in an anonymous yet secure fashion. And in anonymous mode, parties may be identified only by their ID. Further, Wong et al. disclose in col. 6, lines 45-60, the user selects the level of anonymity and traceability desired. It would be obvious to one of ordinary skill in the art to modify the invention of Linehan based on the teachings of Johnson and Wong et al. The motivation to combine these references is both references enable the selection of anonymous, untraceable transaction to conduct transactions anonymously ensuring the consumer's identity remains confidential.

Re claims 2, 10 and 17: Linehan disclose customer computer for generating said money code (col. 4, lines 15-25, i.e. "consumer's computer then sends over the internet network some consumer identity and authentication information" and col. 5, lines 50-67, i.e. "step of sending from a consumer's computer a start message"),

assigning an associated money value to a money code corresponding to a money amount surrendered to an issuer by a customer (Table 1 in col. 11, col. 13, lines 60-67 and col. 14, lines 1-15, claim 1, i.e. "issuing bank creating a reference number or value representing the consumer's credit or debit card number"),

inputting said money code and associated money value into said issuer computer (col. 4, lines 10-20, "initiation message includes payment amount");

transmitting said money code and associated money value from said issuer computer to a financial institution computer over a communications system (col. 6, lines 50-65, i.e. "sending a settlement message"),

transmitting an order and said money code from a customer computer to said merchant computer over said communication system (col. 4, lines 10-

20, i.e. "sending from a customer's computer a start message over an internet network to a merchant's computer"),

transmitting said money code and a money amount due from said merchant computer to said financial institution computer over said communications system(col. 6, lines 50-65, i.e. "sending a settlement message"),

verifying fund availability by comparing said money amount due to said associated money value on said financial institution computer(col. 6, lines 10-16, i.e. "verifies that the consumer's account is active and has sufficient funds").

Linehan does not explicitly disclose(s) that storing said money code on a storage device or said money code containing no identification data related to a customer and being untraceable to said customer. However, in col. 6, lines 45-60, col. 7, lines 55-63 thereof, Wong et al. disclose(s) the user

selects the level of anonymity and traceability desired and that once the pseudo cash unit is generated, a record generation means generates an active record associated with the pseudo cash unit and the fixed monetary value and stores the active record in records storage medium, which is preferably some type of electronic data storage device. It would be obvious to one of ordinary skill in the art to modify the invention of Linehan based on the teachings of Wong et al. The motivation to combine these references is to enable the selection of anonymous, untraceable transaction to conduct transactions anonymously ensuring the consumer's identity remains confidential, and to use a storage device to store codes to ensure codes are available when needed.

Re claims 3 and 11: Linehan disclose generating a personal identification code to be associated with said money code for controlling access and use of said money code(col. 2, lines 45-50, i.e. "password", col. 4, lines 15-25, i.e. "consumer identity and authentication information" and col. 7, lines 55-67, "the user's identification and authentication information

and the merchant's initiation message" and claim 1, i.e. "consumer identity and authentication information").

Re claims 7 and 15: Linehan disclose communications system comprises the Internet(col. 5, lines 55-60).

Re claims 8 and 16: Linehan disclose merchant computer for operating and maintaining an Internet website, accessible by the customer, for facilitating commercial transactions between the customer and a merchant(col. 2, lines 40-45, i.e. "Web server").

Re claims 4 and 12: Linehan does not explicitly disclose(s) that encrypting said money code. However, in col. 2, lines 35-67 thereof, Wong et al. disclose(s) that the "Digicash" or "ecash" system turns a user's or buyer's hard drive on a PC into a purse. To use this system, one first establishes an account with a bank. To obtain digicash or ecash, the user creates a series of numbers that will represent a mixture of coins or money

bills in various denominations according to the user's own wishes. This request for digicash is then sent to the bank, which deducts the total amount requested from the user's existing valid account. The bank then sends the user an equivalent amount of ecash as an encrypted email message containing a series of numbers. Each number corresponds to a specified amount of money. Thus, it would have been within the level of ordinary skill in the art to encrypt a code to ensure anonymity in the transaction.

Re claims 5 and 13: Linehan disclose customer computer for requesting said personal identification code from the customer, retrieving said money code from said storage device(col. 4, lines 10-25, i.e. "consumer's computer starts message from digital wallet" and lines 30-35, col. 7, lines 55-67, i.e. "the merchant sends to the customer computer, the wallet initiation message" and "then in step 306, the consumer's wallet is started"), and said money code based on said personal identification code prior to transmitting said money code to said merchant computer(col. 5, lines 55-60, i.e. "sending from a consumer's computer a start message over an internet network to a merchant's computer").

Linehan does not explicitly disclose decrypting an item after it reaches its destination. However, this is well-known in the computer art. Thus, it would have been obvious to one of ordinary skill in the art to employ decryption to unencrypt a code or message when it reaches the merchant to get the benefit of encryption in transit to preserve the anonymity of data in transit.

Re claims 6 and 14: Linehan disclose merchant computer for requesting said personal identification code from the customer upon receipt of said order and money code(col. 5, lines 55-67, i.e. "the merchant's computer replies to consumer's computer", and col. 6, lines 45-67, i.e. "once the merchant has received the authorization token from the issuer"); customer computer for requesting said personal identification code from the customer and transmitting said personal identification code to said merchant computer(claim 1,i.e."sending from the consumer's computer consumer identity and authentication information"); said merchant computer for receiving said personal identification code from the customer and transmitting said personal identification code in addition

to the money code and money amount due to said financial institution computer over said communications system(col. 4, lines 10-25, i.e. "merchant sends a message, including reference value to acquirer gateway operating on behalf of an acquirer bank" and col. 6, lines 45-67, i.e. "once the merchant has received the authorization token from the issuer gateway, the merchant completes the sales transaction"); and,

said financial institution computer for receiving said money code, money amount due, and personal identification code and decrypting said money code using said personal identification code prior to determining fund availability(col. 6, lines 45-67, i.e. "once the merchant has received the authorization token from the issuer gateway, the merchant completes the sales transaction", and col.6, lines 5-20, i.e. "verifies customer account is active and has sufficient funds and/or credit to support the payment amount.").

Linehan does not explicitly disclose that software executing on various computers. However, Linehan does indicate browser in col. 1, lines 43-46 and since computers can not operate without software, it would have been obvious to one of ordinary skill in the art to employ software applications on

a computer to get the benefit of the four-party communications payment system.

(11) *Response to Argument*

Response to Arguments

1. Applicant's arguments filed 22 July 2003 have been fully considered but they are not persuasive. The examiner has addressed the attorney's concerns by adding Wong et al. to the references and highlighting the relevant areas in this reference below. In col. 3, lines 35-67 and col. 6, lines 30-65, Wong et al. refers to buying and selling merchandise and information on the Internet in a manner resembling various degrees of real-life cash transactions, namely from a traceable transaction to an absolutely anonymous or private one like using real cash. Further, Wong et al. refers to a pseudo cash repository that depends on the level of anonymity and traceability selected by the first entity. If total anonymity is desired, then the identity of the first entity can not be determined from the record kept by the pseudo cash repository. If total anonymity is not required, then the identity of the entity can be determined because the record associated with the

pseudo cash unit kept by the pseudo cash repository will contain information relating to the identity of the first entity.

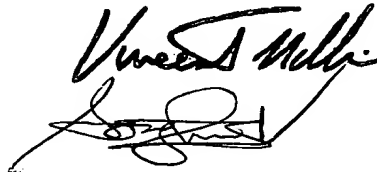
For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Debra F. Charles
Examiner
Art Unit 3624

June 9, 2005

Conferees
Sam Sough
Vincent Millin

A handwritten signature in black ink, appearing to read "Vincent Millin", with a stylized flourish underneath.

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